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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

**Bern Convention Group of Experts
on Conservation of Birds**

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**Groupe d'experts de la Convention de Berne
sur la Conservation des Oiseaux**

Tunis (31 May 2013)

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**OBSERVER ORGANISATIONS REPORT ON THE
IMPLEMENTATION OF THE ACTION POINTS OF
RECOMMENDATION NO. 155 (2011) OF THE STANDING
COMMITTEE TO THE BERN CONVENTION ON THE ILLEGAL
KILLING, TRAPPING AND TRADE OF WILD BIRDS**

*Document
prepared by
BirdLife International
on behalf of the Bern Convention*

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1. SUMMARY

Illegal killing, capture and trade can pose a major threat to the conservation of wild birds through direct mortality or removal of individuals. To combat these illegal activities the conference “European Conference on Illegal Killing of Birds” was organised in 2011 by the Standing Committee to the Bern Convention and the Game Fund of Cyprus, resulting in the adoption of the Larnaca Declaration and Recommendation 155 (2011) of the Standing Committee on the illegal killing, trapping and trade of wild birds. Recommendation 155 (2011) identified several action points on combatting illegal killing, trapping and trade, together outlining a multiannual programme of follow-up actions covering the general communication on illegal killing, trapping and trade and the enforcement, biological and institutional aspects.

In 2012 the Standing Committee to the Bern Convention invited the Observer Organisations to the Convention to report on the progress of implementation of Recommendation 155 (2011). Five Observer Organisations responded to this request, covering six Contracting Parties and the province of Brescia in Italy.

The reports from the Contracting Parties revealed that in general the implementation of action points of Recommendation 155 (2011) has been limited. National communication strategies were not reported in any of the Contracting Parties covered. A zero tolerance approach is evident in most Contracting parties, although enforcement in some Contracting Parties could benefit from additional political support. In most Parties knowledge and information on best practice in awareness-raising is not exchanged regularly. Partnerships and cooperation between government agencies and stakeholders are however on-going, especially on enforcement aspects.

Illegal activities are systematically monitored and reported in Cyprus and Greece and *ad hoc* in Malta and Italy and links between demands of wild birds and supply through illegal activities have been identified in Cyprus. Hotspots of bird concentration and illegal activities have been identified and prioritised in Cyprus, Greece and Montenegro.

Special units of police have been reported in several Contracting Parties, but progress is still to be made in strengthening their capacity, human resources and competencies. Special prosecutors were only reported in Greece. No special judges were reported.

The Observer Organisations also reported that national focal points or regional focal points to report bird crime or birds found dead or trapped have been established in some Contracting Parties and that the effectiveness of the detection of bird crimes and their prosecution and the recidivism rate of people convicted are generally not measured.

The Contracting Parties to the Bern Convention are invited to step up their efforts to implement the action points of Recommendation 155 (2011) especially regarding the national communication strategies and the identification of special prosecutors and judges. The Parties are also invited to communicate the progress on the implementation of the action points of Recommendation 155 (2011) to the Observer Organisations.

2. INTRODUCTION

Illegal killing, capture and trade can pose a major threat to the conservation of wild birds through direct mortality or removal of individuals. In this report illegal killing, capture and trade is defined as any deliberate killing, capture or trade of birds that is not performed in accordance with the national legislation and the relevant international legal framework.

There are two relevant international legal frameworks for Contracting Parties to the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention): the Bern Convention and Directive 2009/147/EC (Birds Directive), the latter of which is only relevant for EU Member States. The provisions on killing, capture and trade of Birds are under both the Bern Convention and the Birds Directive based upon four principles:

- a. **A general system of bird protection** – All wild bird species naturally occurring on the territory must be protected, including by national or regional law

- b. **Regulate legitimate hunting** – Each country may permit certain species (for EU Member States, from the 82 species on Annex II of the Birds Directive) to be hunted providing that their populations can sustain this and that there is a closed season. The closed season must cover the breeding season and for migratory birds the pre-nuptial (spring, return) migration to their breeding grounds, according to the Directive
- c. **Methods of hunting** – All large scale or indiscriminate methods of catching or killing birds are prohibited, in particular, the use of snares, bird lime, live decoys, nets, traps, poisons and automatic weapons
- d. **Possibility for derogations** – Countries may make exceptions from bird protection measures for strictly defined reasons. Such exceptions are monitored by the European Commission and Council of Europe

A survey by BirdLife in 2011 (available [here](#)) revealed that the illegal killing, trapping and trade is a widespread problem across Europe. The most important problem is the deliberate poisoning of birds, mainly through its impacts on threatened species such as vultures, but illegal trade and hunting outside the legal season are also major problems. Several affected species are listed on Annex II of the Bern Convention and are rare and/or declining.

The Standing Committee to Bern Convention has recognized the threats illegal killing, capture and trade pose to birds in as early as 1986 through its Recommendation 5 on the prosecution of persons illegally catching, killing or trading in protected birds (reprinted in Annex I) and in 2001 through its Recommendation 90 on the catching, killing or trading of protected birds in Cyprus (reprinted in Annex II). Similar recognition has been given to the issue by the European Commission which adopted a Roadmap towards eliminating illegal killing, trapping and trade of birds in 2012 (available [here](#)).

In 2011, the Standing Committee to the Bern Convention and the Game Fund of Cyprus organized the conference “European Conference on Illegal Killing of Birds” in Larnaca (Cyprus). This conference highlighted the progress made in combatting illegal killing, capture and trade of birds and outlined challenges in ensuring implementation of relevant international and national legislation. The conference resulted in the adoption of the Larnaca declaration (reprinted in Annex III) and Recommendation 155 (2011) on the illegal killing, trapping and trade of wild birds (reprinted in Annex IV) by the Standing Committee. As part of this Recommendation, several action points were identified, which are shown in table 1 on the next page.

As a follow-up to Recommendation 155 (2011), the Standing Committee to the Bern Convention sent to the Observer Organisations a questionnaire on the implementation of the action points identified in the Recommendation (printed in Annex V).

In the present report a stocktaking of progress on the implementation of the action points is made based on the questionnaires submitted by five Observer Organisations, covering six Contracting Parties and the province of Brescia in Italy, followed by some recommendations to ensure full implementations of these action points.

1. General
a. Develop and support national communication strategies, promoting dialogue between all relevant interest groups, and noting cultural sensitivities. These strategies should be aimed to the conservation of bird population and based on the following principles: (i.) this is about illegal killing of birds, not legal hunting; (ii.) zero tolerance of illegal killing of wild birds; (iii.) recognition of legal hunting and sustainable use.
2. Enforcement aspects
a. Consider birds as a European heritage and a valuable resource, thus applying a zero tolerance approach to illegal killing, trapping and trade of wild birds to support a shift of culture towards shared values respectful of nature, and promote active stewardship;
b. Strengthen the enforcement at each stage of the bird-crime chain through appropriate political, judicial, operational, scientific and technical support and cooperation, and include a concerted focus on end-users;
c. Promote partnership and coordination between government agencies and stakeholders so as to streamline enforcement at the local, national and international level, and target awareness-raising.
3. Biological aspects
a. Taking into account that scientific knowledge can never be complete and this should not be an impediment to taking action, nevertheless every effort should be made to improve knowledge needed to support the solutions to the problem of illegal killing, trapping and trade of birds such as, in terms of priorities, a European bird migration atlas for the better knowledge of flyways of species and populations, seasonality of movements and connectivity among key areas for migratory birds;
b. In cooperation between the stakeholders, to establish systematic monitoring and reporting systems for illegal activities using standardised methods for data collection, providing for common reporting format and taking into account population flyways;
c. Undertake prioritised actions in hotspots of bird concentration and illegal killing activities in order to facilitate a best practice approach in countries along flyways. The breakdown of the links between the demand for wild birds and the supply through illegal activities should be dealt with as a priority by the relevant countries and institutions;
d. Ensure the effective management of protected areas with the aim of maintaining and improving the connectivity of habitats in the wider landscapes thus ensuring the functionality of flyways;
e. Take forward the issue of poisoning of migratory species in a global context to Conferences or Meetings of Parties of CMS and respective agreements.
4. Institutional aspects
a. Strengthen the capacity, human resources, competencies and the level of cooperation between the relevant enforcement and judicial authorities, as well as make the best use of available budgetary resources to effectively prevent and punish wildlife/bird crimes;
b. Where internal judicial processes allow, encourage the creation of special units of judges and prosecutors, provided with specialist training on combating wildlife/bird crime, and ensure all relevant cases are assigned to them.

Table 1: Action points of Recommendation 155 (2011) of the Standing Committee, adopted on 2 December 2011, on the illegal killing, trapping and trade of wild birds.

3. REVIEW OF REPORTS RECEIVED FROM OBSERVER ORGANISATIONS TO THE CONVENTION

Ornithological society Naše ptice – Bosnia and Herzegovina / Bosnie-Herzégovine

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Communication

The results of the Larnaca conference were not discussed or promoted in Bosnia and Herzegovina.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. Best practice in awareness-raising activities include the production of leaflets, articles and short movies and campaigns by Naše ptice in cooperation with local and international organisations. There is no exchange of knowledge or information on best practice in awareness-raising.

The complicated political and economic system in the Bosnia and Herzegovina, which prevents the development of a program with adequate solutions, is an important barrier to promoting the recommendations of the Larnaca conference. It is not clear how this barrier can be overcome.

Monitoring and enforcement

No special units of police, special prosecutors or judges exist for combatting wildlife crime due to a lack of time and capacity. There is no national focal point to collect reports of bird crimes or birds found dead or trapped. Citizens and hunting organisations have an obligation to report illegal actions to the ministries and authorities but this seldom happens.

The burden of proof lies with the enforcement authorities. There is no national systematic monitoring and reporting system for illegal activities and no reporting on prosecution, court cases, convictions or penalties. The effectiveness of the detection of bird crimes and their persecution and has been measured *ad hoc* following a TV report by German television on poaching in Bosnia and Herzegovina. The recidivism rate of people convicted is not measured. The existence of domestic or international links in relation to bird crime was not checked.

The complex political organisation of the state, the fact that there are several laws regarding illegal killing and hunting, which contradict each other, are important constraints in the existing legislation to tackle illegal killing, trapping and trade of birds. Practical steps that would strengthen investigation and enforcement are the harmonization of legislation, strengthening the implementation of the relevant legal provisions, introducing higher penalties and using the NGO sector as independent auditors.

Several studies on the biological consequences of habitat deterioration by species disturbance exist, for example a study was undertaken in Hutovo Blato, one of the better known habitats for birds, and another study was undertaken in recent years on the killing of cormorants during winter.

No hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside. More intensive controls have been undertaken in Hutovo Blato to stop illegal hunting, resulting in some changes. On other sites control is still insufficient.

BirdLife Cyprus – Cyprus / Chypre

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Communication

The results of the Larnaca conference were not discussed or promoted in Cyprus with the relevant stakeholders.

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. The UK Sovereign Base Area (SBA) administration has organized a group meeting of stakeholder in 2012 but this has not yet resulted in the development of a communication strategy. BirdLife Cyprus will also organise a workshop on a strategic action plan in 2013 involving all stakeholders identifying clear targets and roles on tackling bird trapping.

Best practice in awareness-raising includes the anti-trapping campaign by BirdLife Cyprus and the Royal Society for the Protection of Birds (RSPB). The campaign involved anti-trapping messages on a highway billboard, city billboards and in radio spots with a Christmas theme and a Christmas party where the issue was discussed. There is no exchange of knowledge or information on best practice in awareness-raising.

The lack of a discussion of the results of the Larnaca conference at a national level, the lack of coordination for mechanisms and action plans to implement the recommendations of the Larnaca conference, the imposition of non-deterrent fines by the courts and the lack of resources of the three special units of police (described below) are the most important barriers to the implementation of the recommendations of the Larnaca conference.

Monitoring and enforcement

Special units of police to combat wildlife and bird crime exist both in the Republic of Cyprus, the Cyprus Police Anti-poaching unit, consisting of seven police officers, and in the UK SBA, the SBA Police Anti-poaching unit consisting of four police officers. Furthermore the Game and Fauna Service is a body of 90 wardens in total across Cyprus that is responsible for the implementation of the Birds Directive, including bird crime. No special prosecutors or judges exist.

The national focal points to collect reports of bird crime and birds found dead or trapped are the Game and Fauna Service for the Republic of Cyprus and the SBA Police for the UK SBA. However, these reports are not readily available for the public. BirdLife Cyprus receives the overall statistics on bird trapping as part of the stakeholder group hosted by the SBA Administration.

All stakeholders are invited to report to these focal points through telephone numbers publicised by the Game and Fauna Service and the SBA Police.

The burden of proof lies with the enforcement authorities. This means in practice that the enforcement authorities need to catch a trapper on the act to initiate the prosecution for illegal bird trapping. Illegal trapping activities are systematically monitored and reported by BirdLife Cyprus since 2002, who produces annual trapping reports for spring, autumn and winter seasons. The reports are available [here](#). Other illegal activities are not systematically monitored and reported. There is no national practice to report on prosecution, court cases, convictions and penalties on illegal activities and information on prosecution and convictions is not available to the public.

The effectiveness of the detection of bird crimes and their prosecution is measured by BirdLife Cyprus. About half of the trapping activities reported by BirdLife Cyprus to the Game and Fauna Service and the SBA Police end in prosecution of the trappers or confiscation of trapping devices. The recidivism rate of people convicted for illegal killing, trapping and trade of birds.

Best practice on legal provisions and enforcement mechanisms include the cross-compliance regulations with Common Agricultural Policy (CAP) subsidies recipients which have proven to be an important additional enforcement tool. Several farmers have lost their subsidies as a result.

Domestic links have been identified between the demand for wild birds and the supply through illegal activities in the form of the supply of trapped birds to restaurant in Cyprus. The demand in local restaurants is the key driver of this illegal activity as a dozen birds can be sold to customers for prices ranging from 40 to 80 euros. The Game and Fauna Service estimates the whole illegal bird trapping activity to be of the order of 15 million euros. The trapping and subsequent trade in trapped birds is to a large extent is controlled by organised crime.

There are no important constraints in the existing legislation to tackle illegal killing, trapping and trade of wild birds. It should be noted here however that bird crime is not a considered a serious crime in the judicial system of Cyprus and deterrent fines are not imposed. In addition, although the legislation allows for revoking the license of a restaurant serving trapped birds, this has not been imposed on any restaurant thus far.

Practical steps that would strengthen investigation and enforcement are a zero tolerance approach, which includes the imposition of deterrent fines and revoking of restaurant licenses, the removal of acacia plantations that have been planted to facilitate illegal trapping and joint operations of the Game and Fauna Service and the SBA Police in border areas.

No studies on the biological consequences of habitat deterioration by species disturbance were reported for Cyprus.

Hotspots of bird concentration and illegal activities have been identified and prioritised following the implementation of the Larnaca recommendations. The main trapping areas are the areas where most migratory birds pass through, in particular the Eastern Larnaca and Famagusta district and Western Larnaca, both on the eastern end of Cyprus. The control on illegal killing of birds is in general not more intensive in protected areas than in the wider countryside, as there are no special field units for implementing the protection measures in protected areas. However, enforcement is generally better in game reserve areas, where hunting is not allowed, as the Game and Fauna service controls these areas and offenders can here be prosecuted on the basis of violation of a no hunting area.

Committee against Bird Slaughter – Cyprus / Chypre

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The Observer Organisation Committee against Bird Slaughter (CABS) submitted an extensive report to the Bern Convention covering the trapping of birds in Cyprus in autumn 2012, which includes a detailed description of illegal activities and the experience of CABS with law enforcement in Cyprus. The full report is available [here](#).

Communication

The development of a national communication strategy on illegal killing, trapping and trade has not started yet.

Monitoring and enforcement

The Anti-Poaching Squad of the Cyprus Police and the SBA Police Anti-poaching unit are the special units of police in the Republic of Cyprus and the UK SBA, respectively.

Illegal activities in the Republic of Cyprus are systematically monitored and reported by the Game and Fauna Service, but the reports are not publicly available. Illegal activities in the UK SBA are also systematically monitored by the SBA Police, who organises a policy meeting with all relevant stakeholders (“Game and Wild Birds Meeting”) every six months and sends the data of anti-poaching operations conducted in the territory of the SBA to the participants on a monthly basis.

Prosecutions are also reported by the Game and Fauna Service and the SBA Police.

The most important practical steps that would strengthen investigation and enforcement are to increase the search powers of the enforcement authorities by allowing them to enter a fenced-in property, to change their tactics on enforcement on unfenced and open land and to increase fines to a deterrent level.

The authorities cannot enter a fenced-in property without contacting the owner via the local authorities. If the local authorities do not cooperate or the owner cannot be contacted the authorities the enforcement authorities cannot enter the property unless they wait for the owner to show up. The owner can effectively avoid prosecution by remaining hidden in the house and not picking up his phone, and then removing the trapping devices when the police have left. Over the past 5 years, 50% of the orchards in the Famagusta area have been fenced to provide *de facto* immunity for trappers.

The authorities have also limited powers to prosecute trappers on open land and unfenced properties. Unless they are caught red-handed, trappers can claim that the trapping devices do not belong to them and avoid prosecution. The authorities could therefore improve their effectiveness by adopting their shifts to waiting for trappers to return to their trapping devices.

Fines are not deterrent at the moment, as the value of trapped birds is much higher than the current level of fines. A higher level of fines would be more efficient.

In addition, the following practical steps would strengthen investigation and enforcement in the Republic of Cyprus:

- An increase in capacity of the Larnaca and Famagusta Regional Office of the Game and Fauna Service
- Consistent and high-profile political support to anti-poaching operations

- An increase in capacity of the Anti-Poaching Squad of the Cyprus Police

The following practical steps would strengthen investigation and enforcement in the UK SBA:

- A minimum of three police patrols and six police officers on a daily basis on anti-trapping activities, from mid-September to late-October
- Regular night patrolling to locate and dismantle mist-netting sites
- Joint operations with the APS and the Game and Fauna Service, in order to put more pressure on trappers by using search-warrants for both their gardens and premises
- An “Operation Freedom”, a large scale collection of hundreds of items of trapping devices once a week, starting from mid-September and running to late October
- Concentration of efforts primarily on large and dangerous trapping sites, especially those that are regularly reported by environmental NGOs.
- Control and removal of *Acacia salina* plantations that are planted and used for illegal bird trapping
- Introduce cross-compliance with CAP payments for farmers caught illegally trapping birds

Hotspots of bird concentrations and illegal activities identified and prioritised following the implementation of the Larnaca recommendations. Illegal trapping is concentrated in the UK SBA in Cape Pyla and in the Republic of Cyprus in the Famagusta and Larnaca districts, especially in the area around Liopetri and Avgorou.

Hellenic Hunters Confederation – Greece / Grèce

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Communication

The results of the Larnaca conference were discussed and promoted in Greece in the governmental administration with the Ministries of Environment, responsible administrative authorities. In addition, seminars were organised by Hellenic Hunters Confederation (HHC) in various parts of the country and reports of the Larnaca conferences were promoted on the website of HHC.

No national communication strategy on illegal killing, trapping and trade exists as such, but communication is included in the activities of the Game Guards of the HHC. More information is available [here](#). The communication of the Game Guards include covers the following activities:

- Killing/taking for leisure
- Killing/taking for consumption
- Killing/taking for collection
- Control of predating birds
- Killing/taking inside protected areas
- Killing/taking outside the legal season
- Killing/taking without a permit
- Use of illegal equipment
- Illegal trapping
- Poisoning
- Killing/taking of protected species
- Illegal trade and transit

Best practice in awareness-raising includes training and updating seminars for Game Guards organised by local Hunting Federations and disseminating the results of the work of the Game Guard to the broad public through leaflets, manuals and press releases.

National and regional stakeholders irregularly exchange knowledge and information on best practice in awareness-raising, coordinated by the Ministry of the Environment. Not all relevant stakeholders are always invited to these meetings.

An important barrier to the promotion of the recommendations of the Larnaca conference is the polarisation of the wider debate on hunting in Greece, which resulted in limited data exchange between NGOs, hunting organisations and government administration on illegal killing.

Monitoring and enforcement

No special units of police exist as such. The Game Guards of the HHC are law enforcement officials patrolling all regions, but are not part of the police or any other governmental body. There is an office of special prosecutors. No special judges exist.

The focal points for collecting reports of bird crimes and birds found dead or trapped are the prefectural, precinct and regional Public Forestry Services of the Ministry of Environment. All stakeholders are invited to report to these focal points but in practice most of the reports come from the Game Guards.

The burden of proof lies with the enforcement authorities. Illegal activities are systematically monitored and reported by the Public Forestry Services of the Ministry of the Environment. All illegal activities that are detected by the Game Guards are registered by the Public Forestry Services. The Game Guards also submit an annual report to the Ministry of Environment, with detailed analyses of the illegal activities detected including total number of lawsuits, type of violation, control site, number

of controls per region. The most commonly detected violation is the use of illegal means to kill or trap birds.

Prosecutions, court cases, convictions and penalties are reported by the Game Guards through and official communication which includes the number of cases submitted to the Public Forestry Services.

The effectiveness of the detection of bird crimes and their prosecution is measured by the Game Guards, who are legally obliged to keep a record of their patrols, inspections, cases and lawsuits.

The recidivism rate of people convicted is also measured and is estimated to be 2 to 3%.

Best practice on legal provisions and enforcement mechanisms includes the law enforcement by the Game Guards, who in total consist of more than 250 personnel and are thus able to effectively combat wildlife crime.

Domestic and international links between the demand for wild birds and their supply through illegal activities were checked, but none were identified.

There are no important constraints in the existing legislation to tackle illegal killing, trapping and trade of birds. A practical step that would strengthen investigation and enforcement is an increase of capacity and funds of the Public Forestry Service.

Several studies on the biological consequences of habitat deterioration by species disturbance exist in Greece. For example, a recent study in Koronia Lake in northern Greece investigated the effects of irrigation, water pumps and fertilizers on birds.

Hotspots of bird concentrations and illegal activities were identified and prioritized in Greece following the implementation of the Larnaca recommendations. The control on illegal killing of birds in protected areas is more intensive than in the wider countryside as the Game Guards are patrolling more intensively in protected areas.

Committee against Bird Slaughter – Province of Brescia, Italy / Province de Brescia, Italie

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The Observer Organisation Committee against Bird Slaughter (CABS) submitted an extensive report to the Bern Convention covering the trapping of birds in the Brescia Province in Italy in autumn 2012, which includes a detailed description of illegal activities and the experience of CABS with law enforcement in Brescia. The full report is available [here](#).

Communication

The report contains no relevant information on communication activities.

Monitoring and enforcement

The special anti-poaching unit of the state forest police is the special unit for combatting wildlife crime in the province of Brescia. Illegal activities are *ad hoc* monitored and reported by CABS, which keeps a record of traps and illegal trapping sites discovered during their presence in Brescia. Prosecution that occurs as a consequence of the activities of CABS is also reported by CABS.

Best practice in enforcement includes the patrolling for illegal trapping activities at day, followed by an ambush on the sites for the poachers at night, which has greatly improved the number of poachers caught.

Committee against Bird Slaughter – Malta / Malte

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The Observer Organisation Committee against Bird Slaughter (CABS) submitted an extensive report to the Bern Convention covering the illegal killing of birds in the Malta in autumn 2012, which includes a detailed description of illegal activities and the experience of CABS with law enforcement in Malta. The full report is available [here](#).

Communication

The report contains no relevant information on communication activities.

Monitoring and enforcement

The ALE, the Maltese environmental police unit is the special unit of police for combatting wildlife crime. Illegal activities are *ad hoc* monitored and reported by CABS, which keeps a record of illegal trapping sites discovered during their presence on Malta, protected birds shot down and shots heard during the afternoon hunting curfew, through which shooting is banned on weekdays from 3.00 pm to two hours before sunrise. Prosecution that occurs as a consequence of the activities of CABS is also reported by CABS.

Practical steps that would strengthen investigation and enforcement to tackle illegal killing, trapping and trade of birds are the extension of the afternoon hunting curfew to September and the first two weeks of October and an increase of surveillance and capacity for enforcement on Malta and Gozo.

Center for Protection and Research of Birds – Montenegro / Monténégro

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Communication

The results of the Larnaca conference were discussed and promoted in Montenegro among members in Center for Protection and Research of Birds of Montenegro and published and promoted on the website of the Center (available [here](#)).

The development of a national communication strategy on illegal killing, trapping and trade has not started yet. There is no exchange of knowledge or information on best practice in awareness-raising.

Monitoring and enforcement

No special units of police, special prosecutors or judges exist for combatting wildlife crime due to a lack of time and capacity. There is no national focal point to collect reports of bird crimes or birds found dead or trapped.

It was not reported where the burden of proof lies. There is no national systematic monitoring and reporting system for illegal activities and no reporting on prosecution, court cases, convictions or penalties.

The effectiveness of the detection of bird crimes and their prosecution and the recidivism rate of people convicted are not measured. The existence of domestic or international links in relation to bird crime was not checked.

There are no important constraints in the existing legislation to tackle illegal killing, trapping and trade of birds. A practical step that would strengthen investigation and enforcement is to put political pressure on the Ministry responsible for hunting to enforce the law, to increase the capacity of the hunting inspection and to prosecute and convict persons involved in illegal killing.

No studies on the biological consequences of habitat deterioration by species disturbance were reported for Montenegro.

Hotspots of bird concentrations and illegal activities were identified and prioritised following the implementation of the Larnaca recommendations. These hotspots are Skadar lake, Ulcinj salina, Buljarica, Velika Plaza, Tivat salt pans and Ada Bojana. The control on illegal killing of birds in protected areas is not more intensive than in the wider countryside due to a general lack of priority for enforcement.

4. CONCLUSIONS

Five Observer Organisations that received the questionnaire have sent a reply, covering seven Contracting Parties. Importantly, the reports on Italy and Malta contain extensive information on monitoring and recommendations for improvement, but are missing information on most of the other questions from the questionnaire.

It should be noted that the present evaluation of implementation of action points of the Recommendation No. 155 (2011) on the illegal killing, trapping and trade of wild birds should not be seen as a general report of the Observer Organisations on the implementation of the action points in all Contracting Parties of the Bern Convention. It should also be pointed out here that some Observer Organisations also have reported relevant information to the BirdLife International as part of the report for Larnaca (available [here](#)).

No progress has been made on the development and implementation of national communication strategies. No national communication strategies were reported by the Observer Organisations.

Limited progress has been made on the enforcement aspects of illegal killing, trapping and trade. A zero tolerance approach towards illegal killing, trapping and trade is evident from the reports from all Observer Organisations. Nonetheless, it should be noted that a lack of political support for combatting illegal activities was identified as an important constraint in tackling illegal killing, trapping and trade in Montenegro and that consistent and high-profile political support for anti-poaching operations in Cyprus could benefit these operations. Some progress has been made on cooperation on combatting wildlife crime, with regular exchange of knowledge and information on best practice in awareness-raising in Greece and partnership and cooperation between government agencies and stakeholders on-going in Cyprus, Greece, Brescia (Italy) and Malta.

Some progress has been made on the biological aspects of illegal killing, trapping and trade. Illegal activities are systematically monitored and reported in Cyprus and Greece. In addition, some illegal activities are *ad hoc* monitored and reported in Brescia (Italy) and Malta.

Hotspots of bird concentration and illegal activities have been identified and prioritised in Cyprus, Greece and Montenegro. Links between demands of wild birds and supply through illegal activities have been identified in Cyprus and have been examined in Greece, but were not found.

Protected areas are actively controlled on illegal activities in Bosnia and Herzegovina, Cyprus and Greece.

Limited progress has been made on the institutional aspects of illegal killing, trapping and trade. Special units of police are reported in Cyprus, Italy and Malta. Progress is still to be made in strengthening the enforcement authority in several Contracting Parties, as strengthening capacity, human resources, competencies or cooperation between relevant enforcement and judicial authorities has been identified as a practical step to improve enforcement in Cyprus, Greece, Malta and Montenegro.

Special prosecutors were reported in Greece. No special judges were reported in any of the Contracting Parties.

The questionnaire contained questions on several topics related to illegal killing, trapping and trade other than the action points of Recommendation 155. Several Contracting Parties have actively discussed and promoted the results of the Larnaca conference in their country. In some Contracting Parties potential barriers exist for the promotion of the results of the Larnaca conference which are not easily overcome such as the complex political organisation of the state in Bosnia and Herzegovina or the polarisation of the hunting debate in Greece.

Observer Organisations also reported on best practice in awareness-raising activities. The best practice includes the production of information materials, the use of billboards and other media and a regular updating of the enforcement authorities.

National focal points or regional focal points to report bird crime or birds found dead or trapped have been established in Cyprus through the special police units involved in wildlife crime and in Greece through the Ministry of the Environment. Importantly, reporting to these points is open to all stakeholders.

In Bosnia and Herzegovina, Cyprus, Greece and possibly Montenegro the burden of proof lies with the enforcement authorities, which considerably limits the scope for prosecution. A national reporting system on prosecution, court cases, convictions and penalties was only reported in Cyprus. The effectiveness of the detection of bird crimes and their prosecution and the recidivism rate of people convicted are not measured.

Best practice on legal provisions and enforcement mechanisms reported include cross-compliance regulations with Common Agricultural Policy (CAP) subsidies recipients, strategic patrolling and strict enforcement. The Observer Organisations reported no important constraints in the existing legislation to tackle illegal killing, trapping and trade.

Studies of habitat deterioration through species disturbance are only mentioned in Bosnia and Herzegovina.

5. RECOMMENDATIONS

On the basis of the conclusions presented in the previous chapter a number of specific key recommendations are made to the Standing Committee to the Bern Convention:

1. Invite the Contracting Parties who have not developed a national communication strategy on illegal killing, trapping and trade to step up their efforts to develop such a strategy;
2. Invite the Contracting Parties who have not identified or trained special prosecutors to combat wildlife crime to step up their efforts to do so;
3. Invite the Contracting Parties to step up their efforts to train or identify special judges to combat wildlife crime;
4. Invite the Contracting Parties to communicate progress on the implementation of the action points of Recommendation 155 (2011) to the Observer Organisations.

ANNEX I - RECOMMENDATION NO. 5 OF THE STANDING COMMITTEE

Convention on the Conservation
of European Wildlife and Natural Habitats



Standing Committee

Recommendation No. 5 (1986) of the standing committee on the prosecution of persons illegally catching, killing or trading in protected birds

(Adopted by the Standing Committee on 4 December 1986)

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the convention,

Having regard to the aims of the convention to conserve wild flora and fauna and their natural habitats ;

Having regard to Recommendation N° R (85) 17 of the Committee of Ministers of the Council of Europe on the training of hunters ;

Recalling that Article 2 provides that each Contracting Party shall take the requisite measures to maintain the population of wild flora and fauna ;

Considering that illegal hunting and catching of wild birds are still common phenomena in certain countries in Europe ;

Considering the importance of the preservation of wild birds in the maintenance of the natural balance of ecosystems and their beneficial effects, especially on agriculture ;

Conscious of the need to preserve wild birds for present and future generations for their scientific, aesthetic, cultural and educational value.

Recommends that the Contracting Parties to the convention :

1. ensure without delay, by the appropriate legal and administrative measures, the prosecution of persons illegally catching or killing birds or establishments commercialising live or dead protected birds ;
2. ensure without delay, by the appropriate legal and administrative measures, the promotion of education of hunters and the general public and the dissemination of information on the need to conserve wild birds and their habitats.

ANNEX II - RECOMMENDATION NO. 90 OF THE STANDING COMMITTEE



Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

Recommendation No. 90 (2001) on the catching, killing or trading of protected birds in Cyprus

(adopted by the Standing Committee on 30 November 2001)

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention;

Having regard to the aims of the Convention to conserve wild fauna and its natural habitats;

Recalling that Article 1, paragraph 2 of the Convention requires Parties to give particular emphasis to the conservation of endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 6 compels Parties to take the necessary and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II, prohibiting in particular all forms of deliberate capture and keeping, and deliberate killing, as well as the possession and internal trade in these animals, alive or dead;

Recalling its Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds, which encouraged Parties to ensure the prosecution of persons illegally catching or killing birds or establishments commercialising live or protected birds;

Noting with satisfaction that since that recommendation was adopted by the Committee, many Parties took decisive measures to eradicate the illegal killing and trading of birds, resulting in a much more effective enforcement of the provisions of the Convention;

Noting with regret that, although Cyprus and the United Kingdom Sovereign Base Areas took some initiatives in that respect, enforcement of the legislation on killing and trading of protected birds is still poor, and sale and offering for sale of protected birds is still common,

Recommends Cyprus and the United Kingdom to:

1. fully implement without delay the obligations of Article 6 concerning protected birds;
2. put into practise, as a matter of urgency, the actions suggested in Recommendation No. 5 (1986) of the Standing Committee, paying particular attention to the following items:
 - increase of the penalties for these offences, so that they may become dissuasive;
 - increase of wardening in areas where birds are illegally caught;
 - regular and frequent control of restaurants selling protected birds, ensuring prosecution of owners;

- prevention of importation of mistnets and prohibition of their possession without license, imposing heavy fines for their illegal possession and use;
 - strict control of illegal capture, killing, possession, trade, sale and offering for sale of protected birds;
3. launch a wide information campaign to the general public on the illegal catching, killing and trade of protected birds, as well as on the need to conserve birds and their habitats.

ANNEX III - LARNACA DECLARATION



LARNACA DECLARATION

The European Conference on Illegal Killing of Birds, co-organised by the Council of Europe and the Game Fund of Cyprus (Ministry of Interior) in the framework of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979), was held in Larnaca, Cyprus from 6 to 8 July 2011. The event was attended by 100 participants representing various stakeholders, including Contracting Parties and Observers to the Bern Convention, international organisations, national and local authorities, enforcement agencies, nature conservation NGOs including hunting associations, scientific and research bodies, tourism industry, police authorities and mass-media.

Recognising that many birds species in Europe and worldwide are declining rapidly and that, for this reason, governments have adopted various measures to help birds, the Conference participants acknowledged that measures to tackle illegal killing are urgently required.

Despite efforts by many governmental authorities, illegal taking and trading in wild birds is still a serious pan-European problem with clear regional patterns, having a considerable negative impact on biodiversity across the continent. In some European countries, the driver for such activities is mainly direct or indirect financial profit for individuals or organised crime, generating illegal (untaxed) benefits not related to basic survival needs. Considering the multiple dimensions of illegal killing, trapping and trading of birds in Europe, such as the ecological/environmental, legal, economic, social and political aspects, a combination of measures, policies and strategies is necessary to solve the problem. These measures should sensitively combine law enforcement (including advocacy and judicial processes, effective investigative agencies, exemplary punishment and adequate court judgments), education and awareness of the general public and of specific target groups (e.g. hunters, farmers, children and youth, etc.) and secure political support mostly by strengthening the operational capacity of law enforcement agencies or bodies.

The participants in the European Conference on Illegal Killing of Birds call therefore on responsible stakeholders, governments, local communities, law enforcement agencies, nature conservation NGOs, including hunting associations, to unequivocally condemn all forms of illegal taking and trading in wild birds, to pledge a zero tolerance approach to illegal killing, trapping and trade of birds, and a full and proactive role in fighting against these illegal activities, which represents a serious threat to biodiversity, damaging nature as well as human society. More detailed recommendations will be submitted to the 31st meeting of the Standing Committee to the Bern Convention to be held in Strasbourg on 29 November – 2 December 2011 for possible adoption.

They include, inter alia: i. the need to strengthen enforcement at each stage of the bird crime chain through appropriate targeting, scientific and technical support and co-operation; ii. the need to recognise the significance of the illegal taking and trade of birds as a risk to the achievement and maintenance of favorable status of bird populations, negatively affecting those conservation actions undertaken by the Parties and resulting in adverse impacts on the conservation, legal hunting, agriculture and tourism sectors; and iii. the need to develop, finance and support national communication strategies promoting dialogue between relevant stakeholders and the wider public.

At the same time, the participants in the Larnaca Conference express their warm thanks to the Cyprus authorities for their generous hospitality.

Done in Larnaca, Cyprus, 7th July 2011

ANNEX IV - RECOMMENDATION NO. 155 (2011) OF THE STANDING COMMITTEE



Convention on the Conservation of

European Wildlife and Natural Habitats

Recommendation No. 155 (2011) of the Standing Committee, adopted on 2 December 2011 on the illegal killing, trapping and trade of wild birds

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural

Habitats, acting under the terms of Article 14 of the Convention;

Having regard to the aims of the Convention to conserve wild fauna and its natural habitats;

Recalling that under Article 1, paragraph 2, which sets out the aims of the Convention, particular emphasis is to be given to the conservation of endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 6 requires Parties to take the necessary and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II, prohibiting in particular all forms of deliberate capture and keeping, and deliberate killing, as well as the possession and internal trade in these animals, alive or dead;

Recalling its Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds, which encouraged Parties to ensure the prosecution of persons illegally catching or killing birds or establishments commercialising live or protected birds;

Further recalling its Recommendation No. 90 (2001) on the catching, killing or trading of protected birds in Cyprus, which encouraged Cyprus to properly implement the actions suggested in Recommendation No. 5 (1986);

Noting with satisfaction that since these recommendations were adopted by the Standing Committee, most Parties have adopted national legislation providing for the prosecution of persons illegally catching, killing or trading in wild birds;

Regretting that despite growing efforts by competent authorities, enforcement of domestic legislation intended to meet international obligations is weak and not always accompanied by appropriate sanctions;

Recognising and regretting that illegal killing, trapping and trade in wild birds is still carried out, and that in some Parties these are a growing phenomena, sometimes involving other related issues, such as the transit of the killed and captured birds through third countries;

Bearing in mind the difficulties in identifying the illegally killed or captured species and proving the crimes before the Courts, in order to achieve the effective prosecution of offenders;

Bearing in mind the European Charter on Hunting and Biodiversity (document T-PVS (2007) 7 revised), adopted by the Standing Committee to the Bern Convention on 29 November 2007, and particularly its Principles No. 2 – Ensure that regulations are understandable and respected; No. 3 –

Ensure that harvest is ecologically sustainable; No. 8 – Empower local stakeholders and hold them accountable; and No. 11 - Encourage cooperation between all stakeholders in management of harvested species, associated species and their habitats;

Regretting the negative conservation impact that results from the indiscriminate killing and trapping of birds, including by using prohibited means and methods of killing, capture and other forms of exploitation, listed in Appendix IV of the Convention;

Welcoming, and bearing in mind, the Strategic Plan of the Convention on Biological Diversity 2011-2020, and its Aichi targets;

Recalling the EU Biodiversity Strategy to 2020 (COM (2011) 244) and, in particular, its target 1 “Fully implement the Birds and Habitats Directives”;

Recalling that Contracting Parties to the African-Eurasian Migratory Waterbird Agreement (AEWA) shall ensure that any use of migratory waterbirds is sustainable for the species as well as for the ecological systems that support them (art. III. 2b), shall develop and implement measures to reduce and, as far as possible eliminate, the use of poisoned baits, and prohibit the possession or utilisation of, and trade in, birds and eggs which have been taken in contravention of the prohibitions laid down pursuant to this agreement (art. II. 1 together with the Action Plan);

Recalling also that the Action Plan of the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia, under the Convention on Migratory Species (CMS), has identified as a priority action the protection of the species covered by the Memorandum of Understanding from unlawful killing, including poisoning, shooting, persecution, and unsustainable exploitation;

Further recalling that the CMS Conference of the Parties urged Parties to develop an Action Plan for the

Conservation of African-Eurasian migratory land birds;

Recalling that the promotion of cultures and traditions, as well as of a European identity based on shared values should be respectful of human and fundamental rights, and take into account ethical aspects;

Recognising that effective measures to secure compliance with international obligations need to include actions aimed at education, changes in social attitudes and awareness campaigns;

Recognising that the need for improved knowledge should not in any way delay the undertaking of urgent measures in response to the growing problem of illegal wild bird killing, trapping and trade reported by several Contracting Parties;

Recommends Contracting Parties to the Convention and invite Observers to:

1.

General

a. Develop and support national communication strategies, promoting dialogue between all relevant interest groups, and noting cultural sensitivities. These strategies should be aimed to the conservation of bird population and based on the following principles: (i.) this is about illegal killing of birds, not legal hunting; (ii.) zero tolerance of illegal killing of wild birds; (iii.) recognition of legal hunting and sustainable use.

2. *Enforcement aspects*

a. Consider birds as a European heritage and a valuable resource, thus applying a zero tolerance approach to illegal killing, trapping and trade of wild birds to support a shift of culture towards shared values respectful of nature, and promote active stewardship;

b. Strengthen the enforcement at each stage of the bird-crime chain through appropriate political, judicial, operational, scientific and technical support and cooperation, and include a concerted focus on end-users;

- c.* Promote partnership and coordination between government agencies and stakeholders so as to streamline enforcement at the local, national and international level, and target awareness-raising.

3. *Biological aspects*

- a.* Taking into account that scientific knowledge can never be complete and this should not be an impediment to taking action, nevertheless every effort should be made to improve knowledge needed to support the solutions to the problem of illegal killing, trapping and trade of birds such as, in terms of priorities, a European bird migration atlas for the better knowledge of flyways of species and populations, seasonality of movements and connectivity among key areas for migratory birds;
- b.* In cooperation between the stakeholders, to establish systematic monitoring and reporting systems for illegal activities using standardised methods for data collection, providing for common reporting format and taking into account population flyways;
- c.* Undertake prioritised actions in hotspots of bird concentration and illegal killing activities in order to facilitate a best practice approach in countries along flyways. The breakdown of the links between the demand for wild birds and the supply through illegal activities should be dealt with as a priority by the relevant countries and institutions;
- d.* Ensure the effective management of protected areas with the aim of maintaining and improving the connectivity of habitats in the wider landscapes thus ensuring the functionality of flyways;
- e.* Take forward the issue of poisoning of migratory species in a global context to Conference or Meetings of Parties of CMS and respective agreements.

4. *Institutional aspects:*

- a.* Strengthen the capacity, human resources, competencies and the level of cooperation between the relevant enforcement and judicial authorities, as well as make the best use of available budgetary resources to effectively prevent and punish wildlife/bird crimes;
- b.* Where internal judicial processes allow, encourage the creation of special units of judges and prosecutors, provided with specialist training on combating wildlife/bird crime, and ensure all relevant cases are assigned to them.

ANNEX V QUESTIONNAIRE SENT TO THE CONTRACTING PARTIES

Strasbourg, 25 October 2012
[inf21e_2012]

T-PVS/Inf (2012) 21

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee32nd meeting
Strasbourg, 27th-30th November 2012

QUESTIONNAIRE FOR THE REPORTING OF PARTIES TO THE BERN CONVENTION ON THE MEASURES UNDERTAKEN TO IMPLEMENT THE STANDING COMMITTEE RECOMMENDATION NO. 155 (2011) ON THE ILLEGAL KILLING, TRAPPING AND TRADE OF WILD BIRDS

*Document
prepared by
BirdLife International*

QUESTIONNAIRE
FOR THE REPORTING OF PARTIES TO THE BERN CONVENTION ON THE
MEASURES UNDERTAKEN TO IMPLEMENT THE STANDING COMMITTEE
RECOMMENDATION NO. 155 (2011) ON THE ILLEGAL KILLING, TRAPPING AND
TRADE OF WILD BIRDS

CONTACT DETAILS:

Country:	
Organisation:	
Name and position of responsible person:	
E-mail:	
Phone:	
Date of completing the form:	

Please do not hesitate to contact us to help you fill in the questionnaire or for any other questions you may have: BirdLife Europe, Willem Van den Bossche, e-mail: willem.vandenbossche@birdlife.org, Tel.: +32 2 541 07 82

A. COMMUNICATION AND NATIONAL STRATEGY

Q1: Were the results of the 1st European Conference on Illegal Killing of Birds (Larnaca, Cyprus, 6-8 July 2011) discussed and promoted in your country?

- No
- Yes

If yes, please describe when, where and how(in governmental administration, civil society, others)?

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Q2: The national communication strategy on Illegal killing, Trapping and Trade of Wild Birds has/is:

- not started yet
- being developed by:
- will be published/issued in/..... (M/Y)
- developed and implemented by:.....

If the communication strategy is developed, please provide a weblink to the communication material, list the participating interest groups, and first impressions/analysis of the impact.

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Q3: Does the communication strategy and its actions cover the following aspects?

	Yes	partly	no
Killing/taking for leisure			
Killing/taking for consumption			

Killing/taking for collection			
Control of predating birds			
Killing/taking inside protected areas			
Killing/taking outside the legal season			
Killing/taking without a permit			
Use of illegal equipment			
Illegal trapping			
Poisoning			
Killing/taking of protect species			
Illegal trade and transit			

Q4: Please describe the best practices in awareness-raising activities carried out or planned to address the aspects of illegal bird killing listed in Q3. Where possible mention the type of material (leaflets, manuals, press releases, ...), the target audience, scale of investment and impact.

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Q5: Do national or regional stakeholders (ministries, agencies, authorities, NGOs and others) exchange information on best practices on awareness-raising, knowledge sharing such as data exchange?

- No
- Yes, irregular
- Yes, coordinated by

If yes please specify how

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Q6: Please describe potential barriers raised by stakeholders when promoting the recommendations of the Larnaca conference and your solutions to these barriers

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B. MONITORING AND ENFORCEMENT

Q7: Do you have a national/regional focal point to collect reports of bird crimes and/or birds found dead or trapped?

- No
- Yes

If the answer is yes, please describe where the unit is based (government agency, NGO, etc.), how the unit is financed and with what human and financial resources they work

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Q8: Which stakeholders are invited to report to the focal point and how?

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Q9: Does the burden of proof lie with the defendant or with the enforcement authorities?

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Q10: Is there a national/regional systematic monitoring and reporting system for illegal activities?

- No
- Yes

If yes please specify the reporting format

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Q11: Is there a national/regional practice to report on prosecution, court cases, convictions and penalties on illegal activities?

- No
- Yes

If yes please specify the reporting format

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Q12: Do you measure the effectiveness of the detection of bird crimes and their prosecution?

- No
- Yes

If yes, please specify how

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Q13: Do you measure the recidivism rate of people convicted for illegal killing, trapping and trade of birds?

- No
- Yes

If yes please share any available statistics

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Q14: Please describe the best practices on legal provisions and enforcement mechanisms relevant to tackle illegal killing, trapping and trade of birds. This can for example include successful substitutions for illegal activities, cross-compliance mechanism that link subsidies to penalties, compensation mechanisms, subsidies for prevention measures, trade of illegal equipment, etc.)

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Q15: Were domestic and/or international links identified between the demand for wild birds and the supply through illegal activities?

- No, not checked
- No, checked but none identified
- Yes

If yes please specify the links

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Q16: Do special units of police, prosecutors or judges exist for combatting wildlife/bird crime?

- No, not allowed by internal judicial processes
- No, no time or capacity
- Yes

If yes please specify

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Q17: Please describe any important constraints in the existing legislation to tackle illegal killing, trapping and trade of birds.

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Q18: What practical steps would strengthen investigation and enforcement to tackle illegal killing, trapping and trade of birds?

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Q19: Can you provide information of studies on the biological consequences of habitat deterioration by species disturbance?

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Q20: Were hotspots of bird concentrations and illegal activities identified and prioritised following the implementation of the Larnaca recommendations?

- No
- Yes

If yes please specify

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Q21: The control on illegal killing of birds in protected areas is more intensive than in the wider countryside:

- No
- Yes

If no, please specify why there is insufficient management (capacity)

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If yes please specify the best practices

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.....

Please do not hesitate to contact us to help you fill in the questionnaire or for any other questions you may have: BirdLife Europe, Willem Van den Bossche, e-mail: willem.vandenbossche@birdlife.org, Tel.: +32 2 541 07 82